

A broken tandem

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Witness Cooperation Matters: Psycho-legal Contributions with Societal Impact

“Research that produces nothing but books will not suffice”.
- Kurt Lewin

Aligning to the vision captured in the above quote, this valorisation addendum is part of the association of Dutch universities’ tasks for the academic community to produce scientific research that can be applicable and available for economic and societal utilisation (Vereniging van Nederlandse Universiteiten, 2013). As such, it imposes a mandatory, a-posteriori reflection on the value of any scientific developments and advancements achieved stemming from this doctoral research. Psycho-legal research, however, is one of the applied disciplines in Psychology that inherently has implications for society, and in this dissertation, such considerations were a forethought that informed the overall aim of the research presented herein. As described in Chapter 1, the aim to gain an initial understanding of the effects of witness cooperation in a police interview has practical applications for interviewing practice and subsequent legal decision making based on the elicited witness evidence (see also Chapter 6). In this chapter, I describe different aspects concerning the valorisation of this doctoral programme of research and conclude with the potential obstacles and opportunities for the implementation of findings from this dissertation in particular, and of research in Legal Psychology in general.

Research Relevance

Police interviewing practices in pre-trial criminal investigations are relevant to the society at large in the pursuit of justice. Specifically, information from individuals who witness a crime open lines of investigation for the police and can later be used as evidence. In Chapter 2 of this thesis, the evaluations of current interviewing practice from different jurisdictions and in the Netherlands indicate that evidence-based interviewing techniques are not sufficiently implemented in practice when officers conduct witness interviews. As it was further discussed in Chapter 6, the risk of a direct and confirmatory interviewing approach is eliciting inaccurate witness accounts of a crime with direct consequences for the resolution of a crime investigation and for subsequent legal decision-making. Based on these findings, the importance of advocating for an ethical and evidence-based interviewing practice becomes an apparent necessity for the administration of justice.

As mentioned above, the importance of obtaining accurate statements is self-evident to achieve the investigative goals, and the wrongful conviction cases based on erroneous and false testimony from witnesses further demonstrate the necessity to effectively elicit witness information and obtain best evidence (Gross & Gross, 2013; The National Registry of Exonerations, 2020). Unreliable witness evidence leading to miscarriages of justice also wreak havoc in the lives of innocent persons convicted for crimes they did not commit, their families, and communities even beyond their exoneration (Thompson et al., 2011). Furthermore, the societal cost is grave considering that not only is justice not served for that crime's victims, a wrongful exoneration enables the perpetrator to continue to commit additional crimes threatening public safety (Norris et al., 2020). Lastly, wrongful convictions represent a failure in the justice system, with associated unfavourable public opinion and overtime an erosion of police legitimacy if the injustices are attributed to wrongdoing by the police (Mazerolle et al., 2013; Sunshine & Tyler, 2003). Relevant to this thesis, such detrimental effects on the relationship between citizens and the police negatively influences their cooperation in a police investigation and can deter their willingness to provide information as a witness during a police interview (see Chapter 1). Thereby, perpetuating obstacles to gain witness cooperation, which hampers information elicitation.

Research Innovation

This research aimed to include a comprehensive overview of what is known about cooperation in witness interviews, a topic that has been neglected by academics and practitioners. As outlined in the beginning of the dissertation, previous research on witness interviewing has mainly focused on facilitating recall rather than influencing the willingness to report (see Chapter 1). The application of such distinction guiding this research on witnesses in particular was a novel opportunity to develop theoretical and practical knowledge about witness cooperation and the implications of lack of cooperation in the interview room.

To my knowledge, this is the first empirical treatise devoted entirely to this topic, and part of a handful of contemporary related research. One of the unique factors of this dissertation was the possibility to provide experimental evidence supporting the effects of

lack of witness cooperation in the interviewer and the interviewee (see Chapters 4 and 5 respectively). Regarding the latter, this research revealed the limited effectiveness of the evidence-based techniques for interviewing uncooperative witnesses, highlighting the need for further research in this area and the limitations in current practice. This preliminary evidence was complemented by an archival analysis of current witness interviewing practice and a survey of criminal investigators to examine their experience gaining cooperation and overcoming lack thereof in order to elicit information. This methodological approach allowed the provision of an international overview of police perceptions concerning these topics that can guide a collaborative research agenda in different countries.

Altogether, this dissertation also served to review the previous assumption of cooperativeness from witnesses by providing insights into initial uncooperativeness and its implications in the interview room. Such a shift in the consideration of witnesses has direct implications for interviewing practice and beyond, for the management of witnesses in the criminal justice system (see Chapter 6). Considering that witness cooperation *is not granted* and should be promoted, in order to increase accurate recall and report, this PhD research builds on, and expands previous strong theoretical research on eyewitness memory (e.g., Blank, 2009; Koriatic & Goldsmith, 1994; Loftus, 2005).

Target Groups

There are problems with implementing current evidence-based interviewing techniques in practice (see Chapter 2), which reveal that previous investigative interviewing research needs to be disseminated further so that such knowledge can be utilised by police academies in interviewing training. By providing an examination of previous empirical research that promotes cooperation in the interview room, the academic contributions from this dissertation are pertinent to police institutions to evaluate current practice, and consider the effects of lack of cooperation. Similarly, these benefits can extend to any institution, whether public or private, investigating events for which effective elicitation of accurate information is a priority. However, it is too early to provide specific original recommendations on *how to*, rather than *how not to*, interview uncooperative witnesses based on the programme of research of this dissertation.

The conclusions of this dissertation indicate that implementing current evidence-based techniques to interview uncooperative witnesses can be of limited use to effectively overcome resistance (see Chapter 5). Therefore, more research is needed to equip police investigators with techniques that adhere to an information-gathering approach and effectively elicit information despite lack of witness cooperation and its detrimental effects to the interviewing approach and information disclosure. In that goal, this dissertation is only a foundation for future collaborative efforts between academics and police practitioners to develop and test effective techniques to elicit information from uncooperative witnesses.

Considering the above explained ramifications of witness accounts in the criminal justice system, this research can also be relevant to state institutions, and other governmental level institutions, tasked with promoting justice, security, governance, and human rights; as well as relevant non-state organisation advocating for strengthening the rule of law and social justice. Beyond the users of this research, potential reforms and process optimisation in police interviews and how witness evidence is evaluated can benefit how citizens are treated by the police, expanding the interest of this research to the society as a whole.

Activities and Products

The mixed methodology approach in this dissertation in which I included relevant research outside the laboratory allowed me to have a better understanding of witness cooperation in the actual interview room. Admittedly, I thought theoretically it was an interesting topic to study, but I was missing whether in practice witnesses were indeed uncooperative, and what happened next. Thus, at the beginning of my PhD project, in order to inform the programme of research, I started informal conversations with police practitioners, which were followed by semi-structured interviews. Given their positive responses of interest in the research problem, I, together with my supervisors, sought police contacts more widely to establish collaborations. After some unanswered emails, we were able to gather access to archival data and to find international respondents to a survey. As a result, research presented in Chapter 2 and 3 represent some of the experiences and expertise of police officers in the Netherlands, Sweden and England, interviewing

cooperative and uncooperative witnesses. Findings of this research has been communicated to our partners in the Police (Chapter 2), and country-reports will be distributed together with the journal article (Chapter 3) to the police practitioners, who facilitated data collection of the survey, and to those respondents who contacted us after their participation indicating interest in this research topic.

To celebrate other research in the field that is focused on police experience, expertise, and practice, last year during the conference of the European Association of Psychology and Law, which gathers academics and professionals in the field, I organised a symposium showcasing empirical research relevant to investigative practice. Either in survey or experimental designs, the six research projects included in the symposium presented first-hand data from police officers about their practice in complex criminal investigations across the world (e.g., North-America, Europe, and Asia), including the interviewing of uncooperative witnesses. In the organisation of this activity, I actively sought to represent the diverse community of researchers in our field.

Research Dissemination

The doctoral research included in this dissertation (Chapter 1 through 5) has been written in journal-style manuscripts to disseminate in peer-review academic journals. The chosen outlets also include dissemination beyond the academic circle, as the chosen journal's target audiences include police, legal professionals and policy makers. Findings and wider implications of the research has been amplified by choosing to publish with open-access, making the research available for free to all target groups. Furthermore, prior to publication, the research has been subjected to scrutiny by peers during international academic conferences, as well as conferences gathering police practitioners and stakeholders in Belgium, Finland, Portugal, Norway, Spain, and in a virtual conference.

As a researcher interested in scientific communication to the wider community, I have also organised public lectures, and presented my research in events engaging lay audiences in the Netherlands and England. In addition, as part of my outreach activities, I have presented my research, and delivered workshops to young scientists pursuing STEM studies in Latin America. Specifically, to promote education and research in Legal

Psychology, I have also been a guest speaker and delivered workshops to undergraduate students at my affiliated universities in the Netherlands and Sweden.

Research Implementation

The empirical examination of social and cognitive issues concerning verbal testimony of witnesses in legal proceedings has been of interest since the beginnings of Legal Psychology. Hugo Münsterberg (1908) discussed the practical service of experimental psychology in his seminal work, *On the Witness Stand: Essays on Psychology and Crime*. Münsterberg also anticipated problems with the application of psychological research in the legal sphere and encouraged popular dissemination, so that public opinion would exert pressure for the application of Psychology to the field of Law. Scholars in our field (but also in other sciences) have not always succeeded in this endeavour to communicate science widely and to translate science into practice. Nonetheless, thirty years ago, police reform on interrogations began after public scrutiny over miscarriages of justice, and some of the contributions from psychological science gained momentum to be implemented and led the change to establish evidence-based *investigative interviewing* (Kassin et al., 2010; Vrij et al., 2017; Williamson, 2003). However, there are still critical problems with knowledge dissemination and implementation of research in police (investigative) interviewing of witnesses (see Chapter 2). In this context, the potential impact and implications for the valorisation of this programme of research concerning interviewing of *uncooperative* witnesses could be limited. Moving forward, to obtain a different outcome, and following the theme of this dissertation, we need to achieve better *cooperation* between scientists and practitioners. For that, both researchers and practitioners need to focus on improving interviewing *practice*. Such cooperation would not occur in a vacuum thus, it is key to consider the institutional contexts and support (financial and otherwise) needed to actually have influence in research implementation. *Action* research models in which police practitioners and science researchers participate jointly in the whole execution of a research project that is problem-oriented and solution-driven have been proposed as alternatives to create productive and durable alliances between social scientists and police departments that lead to ethical evidence-based policing (Kerrison et al., 2019). An example of a local initiative with the potential to amend the common fracture between the academic 'ivory

tower' and the Police (cf. Bradley & Nixon, 2009), is the recently announced research programme: 'What works in policing: towards evidence policing in the Netherlands' between the National Police, the Police Academy, the Ministry of Justice and Security, and the Netherlands Institute for the Study of Crime and Law Enforcement, as well as universities from the Netherlands and abroad (Netherlands Institute for the Study of Crime and Law Enforcement, n.d.). Perhaps is the naiveté of an earlier career researcher, but I hope that more sustainable partnerships occur in each country that materialise funding to conduct this type of interviewing research and facilitate successful implementation of evidence-based interviewing practice.